

UNITED STATES DISTRICT COURT

**DISTRICT OF NEVADA**

13 BRADLEY S. WALKER, ) 2:07-cv-01528-HDM-GWF  
14 Plaintiff, )  
15 vs. ) ORDER  
16 CLARK COUNTY and UNIVERSITY )  
MEDICAL CENTER, )  
17 Defendants. )

19 Before the court is the defendant's motion for rehearing and  
20 reconsideration (#140). Plaintiff responded to the motion (#141).  
21 The court has not ordered a reply.

22 A district court "possesses the inherent procedural power to  
23 reconsider, rescind, or modify an interlocutory order for cause  
24 seen by it to be sufficient" so long as it has jurisdiction. *City*  
25 *of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d  
26 882, 885 (9th Cir. 2001). Reconsideration may be appropriate if  
27 the court (1) is presented with newly discovered evidence; (2) has  
28 committed clear error or the initial decision was manifestly

1 unjust; or (3) there has been an intervening change in controlling  
 2 law. *Nunes v. Ashcroft*, 375 F.3d 805, 807 (9th Cir. 2004); *Kona*  
 3 *Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir.  
 4 2000). "There may also be other, highly unusual, circumstances  
 5 warranting reconsideration." *Sch. Dist. No. 1J, Multnomah County,*  
 6 *Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

7 "[M]otions for reconsideration are not the proper vehicles for  
 8 rehashing old arguments and are not intended to give an unhappy  
 9 litigant one additional chance to sway the judge." *Sw. Circle*  
 10 *Group, Inv. v. Perini Bldg. Co.*, 2010 WL 4606999, at \*1 (D. Nev.  
 11 Nov. 5, 2010) (internal citations and punctuation omitted).

12 Accordingly, a motion for reconsideration is properly denied where  
 13 it presents no new arguments. See *Backlund v. Barnhart*, 778 F.2d  
 14 1386, 1388 (9th Cir. 1985). At the same time, a motion for  
 15 reconsideration "may not be used to raise arguments or present  
 16 evidence for the first time when they could reasonably have been  
 17 raised earlier in the litigation." *Kona*, 229 F.3d at 890 (italics  
 18 original).

19 The defendant has failed to establish that the order of Judge  
 20 Jones dated December 27, 2010, was either clearly erroneous or  
 21 manifestly unjust.<sup>1</sup> While the issues the motion raises may be  
 22 revisited at the time of trial in connection with appropriate  
 23 instructions to the jury, the court finds those arguments  
 24 insufficient to meet the demanding standard for granting a motion  
 25 for reconsideration.

26 Although the court will deny the motion, it will not issue an  
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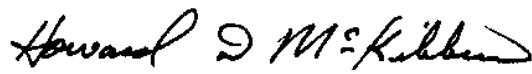
28 <sup>1</sup> Defendant does not argue that reconsideration is appropriate based  
 on an intervening change in the law or newly discovered evidence.

1 order to show cause in connection with its filing. Plaintiff's  
2 request for such is therefore denied.

3 In accordance with the foregoing, the defendant's motion for  
4 reconsideration (#140) and the plaintiff's request for an order to  
5 show cause (#141) are hereby denied.

6 IT IS SO ORDERED.

7 DATED: This 24th day of January, 2011.

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10 UNITED STATES DISTRICT JUDGE  
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